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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATI
(Chapter II of the Patent Cooperation Treaty)

PCT Application
PCT/CN2004/000989



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1040028P	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/CN 2004/000989	International filing date (day/month/year) 26.Aug.2004 (26.08.2004)	Priority date (day/month/year) 28.Aug.2003 (28.08.2003)	
International Patent Classification (IPC) or national classification and IPC IPC (7): A61K35/78 A61P9/00			
Applicant TIANJIN TASLY PHARMACEUTICAL CO.,LTD ETAL			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.			
2. This REPORT consists of a total of 4 sheets, including this cover sheet.			
3. This report is also accompanied by ANNEXES, comprising:			
a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:			
<input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).			
<input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.			
b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic _____ containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).			
4. This report contains indications relating to the following items:			
<input checked="" type="checkbox"/> Box No. I	Basis of the report		
<input type="checkbox"/> Box No. II	Priority		
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability		
<input type="checkbox"/> Box No. IV	Lack of unity of invention		
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.		
<input type="checkbox"/> Box No. VI	Certain documents cited		
<input type="checkbox"/> Box No. VII	Certain defects in the international application		
<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application		
Date of submission of the demand 28.Jun.2005 (28.06.2005)	Date of completion of this report 5.Dec.2004 (05.12.2005)		
Name and mailing address of the IPEA/CN The State Intellectual Property Office, the P.R.China, 6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing, China 100088 Facsimile No. 86-10-62019451	Authorized officer PANJUN Telephone No. (86-10)62085334		

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Box No. I Basis of the report**1. With regard to the language, this report is based on:**

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☒ the international application as originally filed/furnished
- ☐ the description:
- | | | |
|---------|-------|-------------------------------------|
| pages | _____ | as originally filed/furnished |
| pages * | _____ | received by this Authority on _____ |
| pages * | _____ | received by this Authority on _____ |
- ☐ the claims:
- | | | |
|---------|-------|---|
| pages | _____ | as originally filed/furnished |
| pages * | _____ | as amended (together with any statement) under Article 19 |
| pages * | _____ | received by this Authority on _____ |
| pages * | _____ | received by this Authority on _____ |
- ☐ the drawings:
- | | | |
|---------|-------|-------------------------------------|
| pages | _____ | as originally filed/furnished |
| pages * | _____ | received by this Authority on _____ |
| pages * | _____ | received by this Authority on _____ |
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Document 1 《The People's Republic of China Pharmacopoeia》 Version 2000,Part One,Page518-519"Fu Fang Danshen Pian"

Claims 1-10 relate to the uses of Salvia miltiorrhiza,extracts or compositions thereof in preparation of medicines for "antiaspirin disease".

Document 1 discloses the use of the comoposition which comprises Salvia miltiorrhiza in treatment of angina(see:page519 row 23).According to the description in the context of the invention, "Antiaspirin disease" means a kind of disease which is different from normal angiocardopathy and cerebrovascular disease.So Claims1-10 can be considered to be novel(Article 33(2) PCT).

The technical solutions of claims 1-10 are unobvious as they are compared with the prior art.Therefore Claim 1-10 can be considered to fulfil an inventive step(Article 33(3) PCT).

The subject-matters of Claims1-10 have industrial applicability(Article 33(4) PCT).

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 3 further defines claim 1. According to the statement of applicants, "antiaspirin disease" is different from normal angiocardopathy and cerebrovascular disease in claim 1. However, "antiaspirin disease" is defined as coronary heart disease and angina in claim 3. Both coronary heart disease and angina are normal angiocardopathies. So, Claim 3 is inconsistent with the claim cited and is not clarity (Article 6 PCT).

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